

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document # 10

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 07-cv-5844

JUDGE: DAB

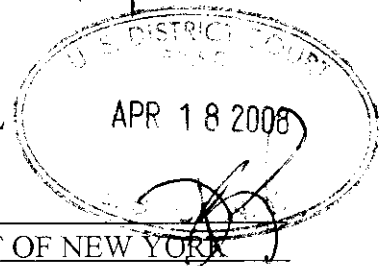
DATE: April 18, 2008

Fater

-v-

Monshell

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK  
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK  
ADDRESS: 500 PEARL STREET, ROOM 370  
NEW YORK, NEW YORK 10007  
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION	DOC. #
CLERK'S CERTIFICATE	
SEE ATTACHED LIST OF NUMBERED DOCUMENTS	
<b>** ONLY CIRCLED DOCUMENTS ARE INCLUDED **</b>	
<b>** ALL OTHERS MISSING AT THIS TIME **</b>	

Balance of file already in USCA on previous appeal

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 18th Day of April, 2008.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Foster  
-v-  
Marshall  
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U.S.C.A. # \_\_\_\_\_  
U.S.D.C. # 07-cv-5844  
JUDGE: DAB  
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**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered \_\_\_\_\_ Through \_\_\_\_\_, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
_____	<b>BALANCE OF FILE MISSING AT THIS TIME</b>
_____	<u>Balance of file already in USCA on previous</u>
_____	<u>appeal.</u>
_____	_____
_____	_____

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 18th Day of April In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 132<sup>ND</sup> year.

J. Michael McMahon, Clerk

By [Signature]  
Deputy Clerk

APPEAL, CLOSED

**U.S. District Court  
United States District Court for the Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:07-cv-05844-DAB  
Internal Use Only**

Foster v. Manshell et al  
Assigned to: Judge Deborah A. Batts  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/20/2007  
Date Terminated: 06/20/2007  
Jury Demand: None  
Nature of Suit: 555 Prisoner: Prison Condition  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
06/20/2007	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Dana Foster.(jeh) (Entered: 06/28/2007)
06/20/2007	2	COMPLAINT against Louis R. Manshell, Sing-Sing Corr. Facility, State of New York. Document filed by Dana Foster.(jeh) (Entered: 06/28/2007)
06/20/2007		Magistrate Judge Douglas F. Eaton is so designated. (jeh) (Entered: 06/28/2007)
06/20/2007	3	ORDER OF DISMISSAL; Plaintiff's request to proceed in forma pauperis is granted, but plntff's allegations fail to state a claim on which relief may be granted and assert claims against defendants who are immune to suite. Thus, accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2)(B) (ii) (iii). The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Deborah A. Batts on 06/20/2007) (jeh) (Entered: 06/28/2007)
06/20/2007	4	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2)(B) (ii) (iii). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Deborah A. Batts on 06/20/2007) (jeh) (Entered: 06/28/2007)
07/09/2007	5	NOTICE OF APPEAL from 4 Judgment - Sua Sponte (Complaint). Document filed by Dana Foster. (tp) (Entered: 07/19/2007)
07/09/2007		Appeal Remark as to 5 Notice of Appeal filed by Dana Foster. \$455.00 APPEAL FEE DUE. IFP REVOKED 6/20/07.(tp) (Entered: 07/19/2007)
07/19/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 07/19/2007)
07/19/2007		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 07/19/2007)
07/24/2007	6	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 5 Notice of Appeal filed by Dana Foster 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd) Additional attachment(s) added on 7/31/2007 (Thomas, Dave). (Entered: 07/24/2007)
07/24/2007		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for 5 Notice of Appeal filed by Dana Foster were transmitted to the U.S. Court of Appeals on 7/24/2007. (nd) (Entered: 07/24/2007)
11/29/2007	7	MOTION to Amend/Correct filing default and amended complaint. Document filed by Dana Foster.(cd) (Entered: 12/05/2007)
03/11/2008	8	ORDER: Plaintiff's motion for relief from Judgment pursuant to Federal Rule of Civil Procedure 60(b) is denied. So Ordered. (Signed by Judge Kimba M. Wood on 3/11/08) (js) (Entered: 03/12/2008)
04/08/2008	9	NOTICE OF APPEAL from 4 Judgment - Sua Sponte (Complaint), 3 Order Dismissing Complaint (I.F.P.). Document filed by Dana Foster. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 04/17/2008)
04/08/2008		Appeal Remark as to 9 Notice of Appeal filed by Dana Foster. \$455.00 APPEAL FEE DUE. IFP REVOKED 6/20/07. (tp) (Entered: 04/17/2008)
04/17/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 9 Notice of Appeal. (tp) (Entered: 04/17/2008)
04/17/2008		Transmission of Notice of Appeal to the District Judge re: 9 Notice of Appeal. (tp) (Entered: 04/17/2008)